

Memorandum

Date: October 28, 2005
To: Wayne Grotheer, Port of Seattle
From: Bill Ross, Elizabeth McManus and Athena Bertolino
Ross & Associates Environmental Consulting, Ltd.
Subject: Themes from Duwamish Interviews, Implications, and Next Steps

In August and September 2005, Ross & Associates carried out twenty-seven individual interviews on the Duwamish clean-up process with managers, technical staff and consultants from the four Lower Duwamish Waterway Group (LDWG) members, EPA, and the Washington State Department of Ecology. This memorandum presents key themes and ideas that emerged from the interviews, and some observations on the potential implications of these themes.

Interviews were focused on examining the ongoing RI/FS work and related source control issues, specifically: communication between the technical and management groups, timeliness of issue identification, leadership, durability of issue resolution, and understanding people's views about upcoming technical and policy challenges and whether systems are in place to meet these challenges. Each individual interview was approximately one hour in length. Interview questions and the list of interviewees are attached as Attachment 1.

Overview

In sum, the structures and interactions within and between the LDWG and the Agencies are working well in the context of the Superfund process; at the same time, interviewees identified room for improvement in some areas, and expressed an interest in optimizing their interactions especially in light of upcoming technical and policy challenges. Most interviewees felt that the clean up is going well, or as well as can be expected for a Superfund site. In general, interviewees felt that communication within groups (LDWG managers, technical staff, lawyers, and consultants) is good, but there is some room for improvement in the frequency, timeliness and relevance of communication between groups.

Despite interviewees' overall positive attitude about the clean up, they also identified some common areas of frustration, particularly regarding the timeliness, predictability, and durability of decision making. Interviewees from the LDWG were most likely to express this concern. However, some Agency representatives expressed similar concerns with the pace of activities within the LDWG and with the extent to which the LDWG acknowledges the Agencies' obligation to balance multiple interests and to fully implement the Superfund process. Most

interviewees expressed optimism that structures are in place for successful, needed discussions between the Agencies and LDWG, and between the technical and managers groups.

What is Working Well

There was almost unanimous agreement among interviewees that communication within groups is very good, as is some communication between groups. Interviewees observed that this good communication was at least in part the result of positive interpersonal dynamics such as respect for others, good working relationships, good personalities, and the general sense that a group of experienced and capable people are working on the clean up.

Most interviewees felt that the groups operate at a fairly high-level and with a similar, general sense of purpose and commitment to produce timely action. Many of the individuals involved have a long history of working with each other on various other projects which helps to create functionality and understanding and fosters a sense of teamwork. All of these aspects have helped to create *a different, more positive tone than many interviewees had experienced in working on other Superfund sites.*

In addition, all interviewees expressed a desire to *move forward with the RI/FS and the clean-up work quickly, efficiently, and in a manner that results in a remedy that protects humans and the environment.* Although interviewees may have different views as to the extent to which these aspirations are currently being met, this shared sense of purpose creates a strong foundation on which the group can continue to build.

Areas for Improvement

Many interviewees, particularly those from the LDWG managers' and technical groups but also some from the Agencies, expressed concern that over time it seems that the process is getting *hung up on little issues* with too much time and money being spent on details that will not ultimately drive clean-up decisions or otherwise seem less important or relevant. At the same time, many of the interviewees who expressed this concern recognized that the RI/FS must adequately address all legitimate technical concerns in order to create a robust and durable clean-up outcome. In general, interviewees expressed interest in managing this dynamic tension by emphasizing a focus on the "big picture" and on working together to establish priorities.

Interviewees also expressed interest in a conversation about *trade-offs between time and money spent studying and time and money spent on early actions or other actual clean up.* Some interviewees expressed frustration over the amount of site characterization sampling being performed. For the most part, interviewees who expressed this concern felt that once the overall site conceptual model is established, credible, responsible decisions could be made with fewer data points, and that gathering additional data may confirm, but will not fundamentally change, the early actions already anticipated or the feasibility of various remedial approaches. For example, some interviewees, particularly those from the LDWG technical group, expressed

concern over a focus on arsenic and dioxin expressing the view that because the presence of those constituents in the environment is largely a result of wide-spread, dispersed, long-term human activity than a result of the activities of any of the responsible parties, they should be considered area-wide, man-made urban background and will not drive clean-up decisions in the same way that PCBs will. Other interviewees, particularly those from the Agencies, expressed frustration with resistance to sampling efforts, reiterating the need for detailed information on which to base further site characterization, source control, and clean-up decisions, and to respond to community concerns. *Overall, all interviewees recognized a need to balance between too much and not enough sampling, with the goal of gathering the information needed without endlessly delaying next steps or losing sight of the bigger picture. There are differing views, however, as to where precisely this balance should be struck.*

A number of interviewees expressed a related concern about *pace of the early action work*. Interviewees who expressed this concern were frustrated that the early actions had been, in their view, slow to start. They feel that starting to *do* something in the clean up is important both in the sense of efficiency and spending time and money well, as well as in making substantive progress to improve the community and working conditions at and around the site. Other interviewees felt that the early actions were moving forward appropriately, given the overall complexity of the clean up and the need to inform early action scope and implementation with robust data and analysis.

^① In general, interviewees did not have a consistent view on the scope or goal of source control efforts. A number of interviewees expressed concern about source control efforts. Some interviewees were concerned that source control efforts seem to be lagging behind other clean-up efforts and would therefore make early actions and feasibility studies difficult to implement. Other interviewees were concerned that source control efforts might be driving a different type of data collection – and more data collection – than otherwise would be required simply to characterize the types of releases more traditionally subject to Superfund clean up, and that if the source control effort were more appropriately focused and narrowed it would not be under resourced. Interviewees who expressed these concerns indicated that many of the contemporary sources are non-point and related to more generalized human activity and urban run off, and should not necessarily addressed as part of the Lower Duwamish Superfund clean up. Interviewees felt that this focus on a broader source control effort may be slowing down or otherwise impeding decisions about site characterization and early actions.

In general, interviewees who are involved in the source control efforts stressed the need for additional source control resources and the importance of the RI/FS to support this characterization. They also stressed the responsibility of the RI/FS to support this characterization. ^② They also stressed the importance of ensuring that those responsible for the RI/FS understand source control activities, findings and priorities. Interviewees who expressed concerns that the scope of source control efforts is too broad generally thought that if the source control effort were more appropriately focused and narrowed, current source control resources would be adequate. ^③ how?

Add = recontamination

A few interviewees felt there were too many meetings, while others felt a need for more meetings or briefings particularly between the technical group and the management groups as a way to make sure everyone is on the same page, to bypass some of the arguing over little issues, and to empower managers with accurate information to communicate to the public. With regard to the current meeting schedule and process, *concern was voiced over lack of meeting efficiency and the need for better agenda management with a focus on decision making and identifying specific measured outcomes*. This was expressed as a concern particularly about the managers' meetings. A number of interviewees observed that the managers' group was largely in the role of reacting to problems or issues raised by the technical groups, or others, after they had already become problems; interviewees were *interested in the managers' group taking a more proactive, leadership role in anticipating issues and providing strategic direction*. Interviewees also desired a better sense of Agency expectations in terms of the unfolding Superfund process, decision timing, and data and other input needed to support decisions.

A number of interviewees, particularly those from the LDWG expressed an interest in beginning *a conversation about a broader vision and end goals for the Duwamish River* as a way to begin to think and talk about feasibility studies and, ultimately, remedy selection. Interviewees who expressed interest in this type of conversation fully recognized that it would need to take place in the context of the overall Superfund process, and in an atmosphere of openness to ensure that the Agencies hear and consider all perspectives on the issues. Interviewees recognized that it may be premature to initiate such a conversation and the need for any conversation to include an open and balanced representation of all interests. At the same time, a number of interviewees felt that recent efforts on the part of the LDWG to create opportunities to involve the community in the clean-up process that go beyond traditional Superfund community outreach efforts had been very fruitful. There was a strong interest in the LDWG and Agencies exploring how best to communicate with and outreach to the public, involve the community early in the framing of feasibility studies, and begin to understand and address the potential for divergent visions for the River and different expectations about potential clean-up outcomes.

Upcoming Issues

The single, biggest upcoming issue that was raised by interviewees was how best to begin to understand various perspectives on an end-state vision for the River and how to involve the community in clean-up decisions. Interviewees recognized that different players in the clean up could have different assumptions or visions for the clean up – interviewees talked about these different assumptions or visions occurring within the LDWG organizations and the Agencies, between the LDWG and the Agencies, and within the larger community around the site and between the community and the LDWG and/or the Agencies. Interviewees who talked about this issue were concerned that these different assumptions or visions might color peoples' participation in discussion on clean up in ways that could be hard to understand without an understanding of the underlying assumptions or vision and that issues could be harder to resolve without this understanding. Interviewees placed particular importance on fostering timely and candid communication with the community around the site. Some interviewees also stressed that the LDWG and Agency representatives should coordinate communication efforts so that a

clear message is being given to the community about the direction and progress of the clean up process.

Identifying other PRPs and determining how their involvement might change the dynamic of current process was widely mentioned as a pressing issue. There was mixed feelings among the interviewees with regard to this subject. Most interviewees had a strong interest in identification of additional PRPs. Interviewees were not, however, uniformly interested in other PRPs participating in the current LDWG structure; rather, interviewees who were most interested in identification of additional PRPs thought they might participate later in clean-up implementation.

[REDACTED] was mentioned as an important consideration by a number of interviewees. Interviewees stressed the importance of understanding that given the urban / industrial setting of the site, some level of recontamination likely is inevitable. Many interviewees felt that understanding the potential recontamination dynamic and determining what this means within the big picture of clean-up decisions and monitoring efforts would be important to making progress in completing the RI and beginning the FS.

Interviewees mentioned a number of other *technical issues*. These included: the connection (or lack thereof in some interviewees' views) between fish tissue data and contaminant concentrations in sediment levels; interpretation of the fish tissue data more generally; determining "urban background" levels of dioxin and arsenic and the implication of this background for the clean up as discussed above under "Areas for Improvement;" and interpretation of the food web model.

[REDACTED]
and ensuring that source control has resources to make appropriate progress:

The need for involvement from natural resource trustees and an understanding of the role that trustees will play in the clean up.

Finally, almost all interviewees reiterated one of the bases for the interview project as a set of upcoming issues – namely that the clean up is nearing completion of the RI and is actively *beginning to move into feasibility studies and, after feasibility studies, will move to remedy selection*. These activities will raise many of the issues that have the most potential to raise differences in expectations and values and to be, therefore, difficult to resolve, namely: the amount of site characterization needed, defining risks at the site, selecting clean-up levels and defining the acceptable level of residual risk, and evaluating and selecting clean-up alternatives and considering the amount of treatment and/or removal of sediments that may be necessary.

Implications

The interview process did not result in a sense that the current Duwamish clean-up process or the relationships between the LDWG groups and the Agencies are fundamentally off track. At the

same time, a number of changes have the potential to improve the current systems and to better position the parties to move into the feasibility studies and, ultimately, to remedy selection and implementation.

First, in the face of the day-to-day pace and normal frustrations of a complex and deadline driven project, the LDWG and Agency groups should acknowledge the progress they have made to date and should continue to *nurture the good working relationships and sense of mutual respect and professionalism* that they have together created. In general, Superfund clean ups are not well known for fostering these types of relationships. The groups will be better able to navigate the inevitable differences in perspective or arguments over individual issues that will arise if they continue to foster a positive dynamic.

Second, the Groups should continue to increase their *shared understanding of the pace and content of the Superfund process* and the information and input EPA and Ecology need to make decisions. This work should focus on ensuring that process steps and expectations and data needs and decision making are clearly articulated and understood so that the group can expand its common sense of the type of pace that is realistic for a clean up of this magnitude. This is not to say that the groups should not continue to push for rapid and efficient progress – virtually all interviewees expressed an interest in moving the clean up forward as quickly and efficiently as possible.

Third, the LDWG and Agency managers' group should *strengthen its leadership role and refine its relationship to the project managers and technical groups*. Particularly as the clean up moves into the feasibility assessment and remedy selection phases, it is important for the managers' group to take a more active role in anticipating potential issues, providing early context and direction, and establishing the expectation that the project managers and technical groups raise potential issues early and seek direction before issues become inflamed. A more pro-active approach will help the managers' group create the context in which issues are discussed and resolved by the project managers and the technical groups; it also will help the managers' group direct the focus of the project managers and the technical groups and more effectively track and support the project managers' and technical groups' progress. *This type of forward looking approach will require consistent preparation and participation on the part of the representatives to the managers' group* and more and more regular communication between managers group and the project managers and technical staff both within the individual organizations and as a larger group. The upcoming issues and areas for improvement identified during the interview process should create the basis for development of an *affirmative steering agenda for managers' group discussions*.

This is not a recommendation that the managers' group become involved in day-to-day operations and decision making – these remain the responsibility of the project managers for the various entities involved. It is critical that the project managers have the independence to run the clean up on a day to day basis. By setting direction and context early, the idea is that a stronger managers' group will strengthen the confidence with which project managers make the numerous decisions – large and small – that they face on a daily basis, and will serve as a viable forum if the project managers are not able to timely reach a decision or if one or more parties feel a

decision by the project managers is not appropriate. It is not for the managers' group to obviate the role of the project managers as the first line of decision making.

Finally, *efforts to create shared understandings of the existing data and their meaning should continue and be expanded.* Ultimately, data will drive the clean-up decisions. The data on the Duwamish clean up has the potential to be complicated and to carry different meanings depending on the different perspectives through which the data is considered. Work between the technical staff for the LDWG and the Agencies to create shared understandings of the data and their meaning are critical to realizing the aspiration of durable, efficient decision making. A similar investment in creating a climate of candor and openness about the data and their meaning between the Agencies, the LDWG and the larger Duwamish community will support informed and meaningful participation in the clean-up process. Note that it is not necessary for everyone to agree on the meaning of the data for this approach to improve the clean up. Understanding people's different interpretations of the data and why they are making those interpretations is valuable both in terms of creating a common substantive basis from which to understand subsequent decisions, and in furthering an atmosphere of mutual respect.

Conclusion and Next Steps

This memorandum documents the planned interview process. Next steps are at the discretion of the LDWG and Agency groups. Note that, early in the interview process there was some discussion of the potential for a workshop or other meeting of the LDWG, the Agencies, and potentially others, to discuss the outcomes of the interview process and to explore a shared vision for the future of the clean-up effort. Ross & Associates is not, at this time, recommending such a meeting – rather, it seems that efforts should be made to optimize existing meeting structures and relationships and to fold the results of the interview process into these investments.

It was fascinating to learn more about the Duwamish clean up and the efforts that the LDWG, the Agencies, and others are making to address this important local resource. Ross & Associates would welcome the opportunity to meet with you to discuss interview findings and implications, and to facilitate a discussion of these and additional next steps. Thank you for the opportunity to be involved with this effort.

Attachment 1.

Interview Questions

1. What is your role in the RI/FS? How long have you been involved?
2. What do you think is working well right now? Why is/are these working well, what is/are the factors or features that make it successful?
3. What could be improved? What improvements do you suggest?
4. What decisions and challenges (policy, technical, or other) do you see the RI/FS effort facing over the next few years?
5. What is needed effectively to make these decisions and meet these challenges? Are these conditions in place? If not, what improvements are needed?
6. What lessons have you learned on this or other relevant RI/FS efforts? How would you apply those lessons to the Duwamish?
7. Is there anything else you would like to add?

Interviewees

From EPA
Sheila Eckmann
Allison Hiltner
Lori Cohen
Kris Flint
Charlie Ordine

From Ecology
Steve Alexander
Rick Huey
Dan Cargill
Rick Thomas

From the Port of Seattle
Wayne Grotheer
Doug Hotchkiss
Tom Newlon

From King County
Donald Theiler

Jeff Stern
Rod Brandon
Elsie Hulsizer

From the City of Seattle
Martin Baker
Jennie Goldberg
Beth Schmoyer

From the Boeing Company
Steve Tochko
Skip Fox
Paul Carlson

From the consulting groups
Mike Johns
Kathy Godfretson
Jennifer Sampson
Lawrence McCrone
John Ryan

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